

**House File 312 - Introduced**

HOUSE FILE 312

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 87)

**A BILL FOR**

1 An Act providing for certification requirements by persons  
2 involved in the management of manure, and including  
3 provisions for contingent implementation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.315, subsection 3, Code 2013, is  
2 amended to read as follows:

3 3. The department shall adopt, by rule, requirements for  
4 the certification, including educational program requirements.  
5 The department may establish different educational programs  
6 designed for commercial manure service representatives and  
7 confinement site manure applicators. The department shall  
8 adopt rules necessary to administer this section, including  
9 establishing certification standards, ~~which shall at least~~  
10 ~~include standards for~~ and continuing instructional courses as  
11 provided in this subsection.

12 a. The department shall adopt rules establishing subjects  
13 for continuing instructional courses that emphasize practical  
14 and cost-effective methods to prevent manure spills and  
15 limit the impact of manure spills, especially from manure  
16 storage structures. The subjects may also include methods  
17 for transporting, handling, storing, and or applying manure;  
18 identifying the potential effects of manure upon surface water  
19 and groundwater; and procedures to remediate the potential  
20 effects of manure on surface water or groundwater.

21 ~~a.~~ b. The department shall adopt by rule criteria for  
22 allowing a person required to be certified to complete either  
23 a written or oral examination.

24 ~~b.~~ c. The department shall administer the continuing  
25 instructional courses, by either teaching the courses or  
26 selecting persons to teach the courses, according to criteria  
27 as provided by rules adopted by the department. The department  
28 shall, to the extent possible, select persons to teach the  
29 continuing instructional courses. The department is not  
30 required to compensate persons to teach the continuing  
31 instructional courses. In selecting persons, the department  
32 shall consult with organizations interested in transporting,  
33 handling, storing, or applying manure, including the Iowa  
34 commercial nutrient applicators association and associations  
35 representing agricultural producers. The Iowa cooperative

1 extension service in agriculture and home economics of Iowa  
2 state university of science and technology shall cooperate with  
3 the department in administering the continuing instructional  
4 courses. The Iowa cooperative extension service may teach  
5 continuing instructional courses, train persons selected to  
6 teach courses, or distribute informational materials to persons  
7 teaching the courses.

8 d. The department shall provide that the continuing  
9 instructional courses be made available via the department's  
10 internet site, the internet site of a person selected to teach  
11 the continuing instructional courses, or the Iowa cooperative  
12 extension service in agriculture and home economics of Iowa  
13 state university of science and technology.

14 ~~e.~~ e. The department, in administering the certification  
15 program under this section, and the department of agriculture  
16 and land stewardship, in administering the certification  
17 program for pesticide applicators, may cooperate together.

18 Sec. 2. CONTINGENT IMPLEMENTATION. The department of  
19 natural resources shall fully implement section 459.315,  
20 subsection 3, paragraph "d", as enacted by this Act, as  
21 follows:

22 1. The department of natural resources must establish and  
23 administer a development project to effectuate the provision.  
24 The department shall begin the development project contingent  
25 upon being appropriated at least two hundred fifty thousand  
26 dollars by the general assembly to support the project. The  
27 department shall complete the development project within twelve  
28 months after the effective date of the appropriation.

29 2. The department shall fully implement section 459.315,  
30 subsection 3, paragraph "d", as enacted by this Act, within  
31 twelve months after the development project is completed as  
32 provided in subsection 1.

33 3. Section 459.315, subsection 3, paragraph "d", is  
34 repealed on July 1, 2018, if the general assembly does not  
35 appropriate at least two hundred fifty thousand dollars to the

1 department of natural resources, as provided in subsection 1,  
2 by that date.

3

EXPLANATION

4 BACKGROUND. A person must be certified by the department  
5 of natural resources (DNR) in order to apply manure on land  
6 (Code section 459.315). Generally, there are two classes of  
7 persons required to be certified: (1) a person involved in a  
8 confinement feeding operation who is engaged in the application  
9 of manure originating from the confinement feeding operation  
10 or (2) a person who is associated with a service engaged in  
11 the business of transporting, handling, storing, or applying  
12 manure (see Code section 459.102 defining "confinement site  
13 applicator" and "commercial manure service representative").  
14 In order to be certified, a person must complete an educational  
15 program which consists of passing an examination or attending  
16 three or two hours of continuing instructional courses each  
17 year depending on the type of certification. The courses must  
18 be taught by the DNR or a person selected by the DNR, including  
19 Iowa state university (ISU). The fee for certification is  
20 based on the costs of administering the program (see Code  
21 sections 459.315 and 459.400).

22 BILL — INSTRUCTIONAL COURSE SUBJECTS. The bill amends a  
23 provision which provides that DNR must establish requirements  
24 for instructional course subjects. Currently, the curriculum  
25 must include methods for transporting, handling, or applying  
26 manure; the potential effects of manure upon surface water  
27 and groundwater; and procedures to remediate the potential  
28 effects of manure on surface water or groundwater. The bill  
29 provides that the curriculum must primarily emphasize practical  
30 and cost-effective methods to prevent manure spills and limit  
31 the impact of manure spills, especially from manure storage  
32 structures.

33 BILL — INSTRUCTIONAL COURSES OFFERED VIA THE INTERNET. The  
34 bill provides that the DNR must provide that the continuing  
35 instructional courses be made available via the department's

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1 internet site, the internet site of a person selected to teach  
2 the continuing instructional courses, or ISU. The department  
3 is not required to implement this provision of the bill  
4 unless the general assembly appropriates \$250,000 to support a  
5 development project for its implementation. The provision is  
6 repealed if the department is not appropriated that amount by  
7 July 1, 2018.